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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,349	07/02/2004	Lori Amthor Fulks	LF01	4348
27797	7590	01/10/2006	EXAMINER	
RICHARD D. FUERLE 1711 W. RIVER RD. GRAND ISLAND, NY 14072			COLLADO, CYNTHIA FRANCISCA	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/710,349		FULKS, LORI AMTHOR	
	Examiner		Art Unit	
	Cynthia F. Collado		3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>07/02/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zheng'135 (Us Patent No.6, 682,135) in view of Waldron et al'414 (Us Patent No.6, 752,414) and further in view of Logan, 3rd (Us Patent No.4, 290,643).

Regarding claims 1 and 17, Zheng discloses a collapsible chair having two front legs (see figure 2, element 161 and 162), two back legs (see figure 2, elements 171 and 172), a flexible seat (see figure 2, element 22), a flexible back (see figure 2, element 20), and an armrest on each side of the seat (see figure 2, element 32). Zheng does not disclose wheels or a handle where the chair can be pulled by, however Waldron teaches, at least one wheel attached to the bottom of each back leg (see figure 1, element 37), also (figure 1, element 50). It would have been obvious to one of ordinary

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skill in the art at the time the invention was made to modify the chair of Zheng by attaching wheels and handles to permit folding and allowing in the reduction of bulk of equipment therefore making it easier to transport. Neither Zheng nor Waldron disclose netting between the chairs, however Logan teaches a net (see figure 1, element 23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the chair of Zheng and Waldron by attaching a mesh/net between the seat and armrest so as to avoid objects from falling through the arms of the chair.

Regarding claims 2 and 3, Waldron teaches a collapsible chair wherein wheels are attached to the bottom of each back leg (see figure 1, element 37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the chair of Zheng by attaching wheels to the back of the collapsible chair in which makes it easier to transport.

Regarding claim 4, It would have been obvious to one having ordinary skill in the art at the time of the invention that wheels bear weight when any chair is tilted and is pulled by the handle in which will make transporting easier.

Regarding claim 5, Waldron teaches a lock for holding the chair in a collapsed or open position (see figure 2, element 30 and 34).

Regarding claims 6 and 8, Waldron teaches the handle attached to both sides of the chair (see figure 1, element 50), the handle is extendable towards and away from the seat (see figure 1, element 50).

Regarding claim 9, Zheng discloses a flexible seat and flexible back are made of fabric (see column 3, lines 62-67).

Regarding claim 10, Zheng discloses legs are tubular and are made of steel or aluminum (see column 4, lines 13-21).

Regarding claims 11 and 19, Zheng discloses a pair of members attached to a front foot connector (see figure 2, element 122, 161, 181 and 182), one member in each pair is attached to a front seat connector on the opposite side of the chair and the other member in each pair is also attached to a back seat connector on the same side of the chair (see figure 2, elements 131, 132, 133, and 134), each back leg comprises a pair of members attached to a back foot connectors (see figure 2, element 172 and 183), where one member in each pair is also attached to a back seat connector (see figure 2, element 133) on the opposite side of the chair and the other member in each pair is also attached to a front seat connector (see figure 2, element 132) on the same side of the chair, two third members each fixed to a back foot connector (see figure 2, element 151 and 183) and slidably connected to a back seat connector (see figure 2, element 133) on the same side of the chair, each extending beyond the back seat connector to support the back and the handle, where the pair of members are attached to the front and back foot connectors (see figure 2, element 181 and 182) and to the front and connectors so that they can rotate in planes 90 degrees apart, and where pins rotatably join the members where they cross (see column 4, lines 36-67), a flexible seat (see figure 2, element 22), a flexible back (see figure 2, element 20), and an armrest on each side of the seat (see figure 2, element 32), a collapsible telescoping handle attached to the top of each side of the chair, where the chair can be pulled by the handle when the chair is in an open position or in a collapsed position (see column 4, lines 11-39).

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Zheng does not disclose wheels or a lock for securing the chair in an open position or in a collapsed position, however Waldron teaches wheels attached to the bottom of each back leg (see figure 1, element 37), also (figure 4, element 33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the chair of Zheng by attaching wheels and a lock to permit the chair to remain open or closed when in use by user. Attaching wheels to the collapsible chair allows for easy transport of items.

Regarding claim 13, Zheng discloses members attached to the front foot connectors (see figure 2, element 182) and the front seat connectors in which extend beyond the front seat connector and support the arm rest (see figure 2, element 131 and 132).

Regarding claim 14, Logan discloses the claimed invention except for the openings in the netting. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the opening of the netting about one fourth to about three fourth inches, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Regarding claim 15, Logan discloses the netting attached to the back of the chair (see figure 1, element 22).

Regarding claim 16, 18 and 20, Waldron discloses the item on the seat of a collapsible chair and pulling the chair by the handle (see column 1, lines 39-54).

Allowable Subject Matter

4. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No 4,366,587 issued to Takada teaches infant safety carrier for vehicles.

US Patent No.6, 820,927 issued to Isom et al teaches a collapsible support and method of using the same.

US Patent No.5, 882,083 issued to Robinson teaches a dialysis-seating unit.

US Patent No.5, 536,064 issued to MacLean teaches a combination backpack and chair.

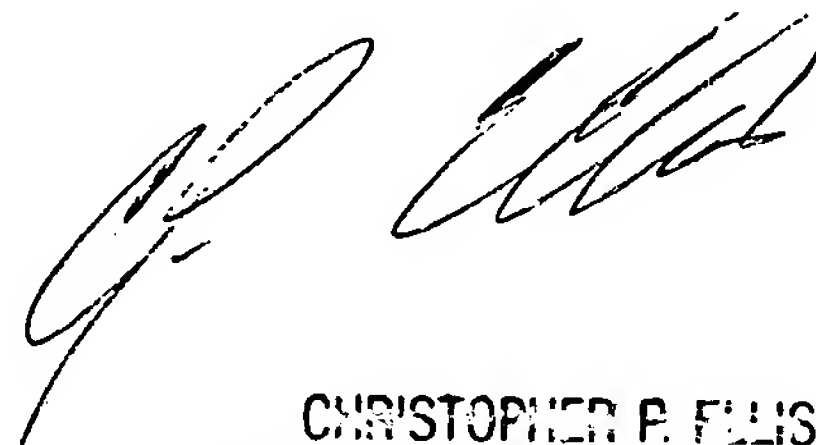
US Patent No.5, 820,210 issued to Shipman et al teaches a storage device for seating.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia F. Collado whose telephone number is (571)2728315. The examiner can normally be reached on mon-fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571)2726914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cynthia F. Collado 1/5/06


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